

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STAN OHM,

Plaintiff,

v.

RANDY H. DUPREE, *et al.*,

Defendants.

Case No. 2:24-cv-1954

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court on the Report and Recommendation issued by the Magistrate Judge on October 31, 2024. (R&R, ECF No. 15.) In that R&R, the Magistrate Judge explained that the Court issued a Show Cause Order requiring Plaintiff to show cause why this action should not be dismissed for lack of prosecution and to provide an updated mailing address. (R&R, PageID 65; *see also* ECF No. 13.) In the Show Cause Order, the Court explained that it had mailed several Orders to Plaintiff at the address provided in his Complaint, but those mailings were returned as undeliverable. (ECF No. 13.) The Show Cause Order was also returned as “not deliverable as addressed.” (ECF No. 14.) Plaintiff failed to respond to the Show Cause Order. Because Plaintiff failed to comply with the Show Cause Order, and failed to update his address, the Magistrate Judge recommends dismissal of his Complaint for failure to prosecute. (R&R, PageID 67; *see also* ECF No. 16 (returned as undeliverable).)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of his right to object to the R&R and of the consequences of failing to do so (R&R, PageID 67–68), but did not file a timely objection. Accordingly, Plaintiff waived a de novo review of the R&R.

The Court has reviewed the R&R, agrees with the recommendations stated therein, and **ADOPTS** and **AFFIRMS** the R&R. (ECF No. 15.) Plaintiff's claims are **DISMISSED** for failure to prosecute. The Clerk is **DIRECTED** to **ENTER JUDGMENT** and close this case.

IT IS SO ORDERED.

12/5/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE